

# **Michigan's Absentee Voting Process**

## **Eligibility**

A registered voter is eligible to obtain an absent voter ballot for an upcoming election if he or she: 1) is 60 years of age or more 2) is unable to vote without assistance 3) expects to be absent from his or her city or township of residence for the entire time the polls are open 4) is in jail awaiting arraignment or trial 5) has been appointed to work as an election inspector in a precinct outside of his or her precinct of residence or 6) is unable to attend the polls due to his or her religious beliefs.

A person who registers to vote by mail that has not previously voted in Michigan must vote *in person* in the first election in which he or she participates. The restriction does not apply to overseas voters, voters who are handicapped or voters who are 60 years of age or older. Voting in person on one governmental level clears the restriction on the other levels. For example, if a voter subject to the restriction votes in person at a school election, the voter would be free to obtain an absentee ballot for the first state election in which he or she wishes to participate.

## **Mass Mailing Absent Voter Ballot Applications**

Michigan election law does not permit a city or township clerk to mail absent voter ballot applications without having received a verbal or written request. However, a city or township clerk may mass mail applications to voters who have asked to receive an application for every election.

County clerks have not authority to distribute absent voter ballot applications unless the county clerk is acting in the role of school election coordinator. The same standards detailed above for the mass mailing of absent voter ballot applications by city and township clerks apply to county clerks as they perform their school election coordinator role.

## **Application Process**

A voter who wishes to receive an absentee ballot must request it *in writing* from the election official responsible for administering the election (city clerk, township clerk, village clerk or school election coordinator); absentee ballots may not be delivered as a result of an oral request made in person or over the phone. However, an absent voter ballot *application form* may be provided as a result of an oral request.

- The written request may be on a preprinted application form supplied by an election official, in a letter or on a postcard. The written request must include a statutory reason why the voter is eligible to receive an absentee ballot and the applicant's signature.

- There are no restrictions on the distribution of blank absent voter ballot application forms. An organization is permitted to design and produce its own absent voter ballot application form if it wishes; such forms must include all of the statutorily required elements.
- As noted above, an election official may, *at his or her discretion*, mass mail blank absent voter ballot applications to eligible absentee voters *who have requested* to be placed on a permanent mailing list. Mailing lists used by election officials to distribute blank absent voter ballot application forms must be *equitably* compiled.
- Absent voter ballot requests may be submitted anytime after the 75<sup>th</sup> day preceding the election. (Absent voter ballot requests submitted prior to the 75<sup>th</sup> day preceding the election may be retained on file for later processing.) A voter who applies for an absent voter ballot for a primary may, at the same time, request an absent voter ballot for the following general election if he or she is eligible to receive an absent voter ballot for both elections.
- Absent voter ballot requests may be submitted in person or by mail or fax. In addition, requests may be scanned and transmitted by email. Regardless of the method of delivery used, all requests must show the voter's signature. Requests that do not show the applicant's signature are *not* acceptable.

## Submission of Absent Voter Ballot Applications

The election official or other authorized personnel appointed by the election official must be available in the election official's office or at some other published and or posted location to facilitate the receipt and processing of absent voter ballot requests.

- ***“Regular” Request Deadline:*** If the ballot must be issued *by mail*, the application for the ballot must reach the election official no later than 2:00 p.m. on the Saturday prior to the election.
- ***“Late” Request Deadline:*** Absent voter ballots can be picked up by the voter *in person* anytime up to 4:00 p.m. on the day prior to the election. A voter who visits his or her clerk's office or school election coordinator's office on the day prior to the election to obtain an absent voter ballot must vote the ballot in the office; the voter is not permitted to leave the office with the ballot.
- ***“Emergency” Request Deadline:*** An elector may make an “emergency” request for an absentee ballot if he or she cannot attend the polls because of 1) personal disablement or 2) a family death or illness which will require that the elector leave the community for the entire time the polls are open on Election Day. “Emergency” requests for absentee ballots must be made after the deadline for making “regular” requests for absentee ballots (2:00 p.m. on the Saturday before the election) and before 4:00 p.m. on Election Day. *The emergency must have occurred at a time which made it impossible for the voter to apply for an absentee ballot by the statutory deadline for “regular”*

*applications*. This means that the emergency must have occurred after 2:00 p.m. on the Saturday before the election.

If an “emergency” absent voter ballot is requested, the person making the application may authorize the person delivering the application to pick up and deliver the ballot. The authorization to pick up and deliver the ballot must be in writing and must be signed by the applicant. An “emergency” absentee ballot may also be delivered by hand to the applicant by a person authorized by the clerk to handle this task.

### **Lawful Possession of Signed Absent Voter Ballot Applications**

The persons who may be in lawful possession of a *signed* absent voter ballot request are limited to:

- 1) the applicant
- 2) a member of the applicant’s immediate family
- 3) a person residing in the applicant’s household
- 4) a person whose job normally includes the handling of mail (but only during the course of his or her employment)
- 5) a registered elector asked to handle the application by the applicant (a registered elector who returns an absentee ballot application at the request of the applicant *must sign a certificate* (see sample below) printed on the application form for such persons) and
- 6) an authorized election official.

**CERTIFICATE OF AUTHORIZED REGISTERED ELECTOR  
RETURNING ABSENTEE BALLOT APPLICATION**

I certify that my name is \_\_\_\_\_,  
my address is \_\_\_\_\_,  
and my date of birth is \_\_\_\_\_; that I am delivering the absentee  
ballot application of \_\_\_\_\_  
at his or her request; that I did not solicit or request to return the application; that I have not made any  
markings on the application; that I have not altered the application in any way; that I have not  
influenced the applicant; and that I am aware that a false statement in this certificate is a violation of  
Michigan election law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

### **Issuance of Absent Voter Ballots**

An absent voter ballot *may not* be issued to a voter who has not first submitted a signed request for the ballot. All requests should be processed immediately. It is recommended that the ballot be issued within 24 hours of the receipt of the application. Applications should be processed in the order received. This will avoid criticism that certain voters are being given preferential treatment. While absent voter ballots must be issued in the same order in which they are requested, an election official is not prohibited from issuing a ballot to a voter applying in person despite the fact that there may be applications on file which have not yet been honored.

The signature on the absent voter ballot application *must be checked* against the signature on the applicant's voter registration record (master card or digitized signature in the QVF) *prior to the issuance of the requested ballot*. If a signature is not available, the voter must be contacted so that arrangements can be made to obtain a signature. A ballot may not be issued until after the signature verification step is completed.

Each absent voter must be provided with 1) a ballot 2) a secrecy sleeve (if the ballot is printed on both sides) 3) a copy of the "Instructions for Absent Voters" and 4) a return envelope.

The "Instructions for Absent Voters" and the printed information and instructions that must appear on the "outgoing" envelope and the "return" envelope are specifically defined in law and may not be altered or substituted. Campaign brochures, locally prepared *unauthorized* voting or return instruction or any other type of *unauthorized* materials may *not* be distributed with absent voter ballots. All forms and inserts must be pre-approved by the Michigan Department of State's Bureau of Elections.

## **Delivery of Absent Voter Ballots**

Unless otherwise requested by the voter, all absent voter ballots must be delivered by mail. An absent voter can receive a ballot at 1) his or her registration address within the jurisdiction 2) at any address *outside* of the jurisdiction or 3) at a hospital, nursing home or similar institution located *inside or outside* of the jurisdiction. A ballot *may not* be sent to a residential address located *inside* the jurisdiction *other than the voter's registration address*.

As an alternative, if requested by the voter, an absent voter ballot may be mailed to a post office box if the post office box is where the voter normally receives mail and the voter does not receive mail at his or her registration address.

If hand delivered, the absent voter ballot must be delivered by an election official or an authorized assistant appointed by the election official. To avoid any appearance of impropriety, absent voter ballots *should never be hand delivered* unless it is necessary to ensure the timely return of the ballot.

Except under the "Emergency" request provision discussed above, an absent voter ballot *may not be given* to anyone other than the intended voter *including a family member or the voter's spouse*.

## **Return of Absent Ballots**

Absent voter ballots must be returned to the election official by 8:00 p.m. on Election Day. The election official must make arrangements with the post office to pick up any absent voter ballots received after the last delivery is made.

The persons who may return an absentee ballot are limited to:

- 1) the voter
- 2) a member of the voter's immediate family who has been asked to return the ballot
- 3) a person residing in the voter's household who has been asked to return the ballot
- 4) a person whose job normally includes the handling of mail (but only during the course of his or her employment) and
- 5) an authorized election official.

With these restrictions, an absent voter is *not* permitted to ask another voter who is not a member of the voter's immediate family or household to return his or her absentee ballot.

An election official is *required* to pick up a voter's absentee ballot if *all* of the following conditions are satisfied:

- 1) the election official issued the ballot to the voter

- 2) the voter is unable to return the ballot under any of the authorized delivery methods
- 3) the voter calls to request the pick up of his or her ballot before 5:00 p.m. on the Friday immediately preceding the election and
- 4) it is not necessary for the election official to travel outside of the jurisdiction to obtain the ballot.

Under any other circumstances, an election official (or authorized assistant) *may* pick up a voter's absentee ballot *at the election official's discretion* if:

- 1) the election official issued the ballot to the voter and
- 2) the voter is unable to return the ballot under any of the authorized delivery methods.

An election official *should never pick up* a voter's ballot *unless requested* by the voter. In no case should an election official or authorized assistant contact an absent voter in person or by phone *to offer to return* the voter's ballot. Assistants authorized to pick up absentee ballots must carry appropriate credentials and show them when asked.

A voter returning an absent voter ballot *must sign the return envelope* supplied by the election official. An absent voter ballot is not counted unless the voter's signature appears on the envelope and matches the signature appearing on the voter's registration record. If the voter received assistance voting the ballot, the individual who provided the assistance is also required to sign the return envelope.

## **Deceased Absent Voters**

If it comes to the attention of the local election official or a precinct board that a voter who returned an absent voter ballot has died, the ballot must be rejected. In such an instance, the election official or precinct board writes "rejected as illegal" on the return envelope. Such ballots can not be removed from the return envelope.

## **Penalties**

Michigan election law specifies that:

- 1) a person who forges a signature on an absentee ballot application is guilty of a felony
- 2) an individual "who is not authorized in this act and who both distributes absentee ballot applications to absent voters and returns those absentee ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor" and
- 3) a person, other than an authorized election official, who gives, lends or promises any valuable consideration to or for a person to induce that person to both distribute absentee ballot applications and receive signed absent voter ballot applications from voters for delivery to the clerk is guilty of a misdemeanor.

Michigan election law further specifies that:

- 1) a person in illegal possession of an absentee ballot (voted or unvoted) is guilty of a felony
- 2) an unauthorized person who returns, solicits to return or agrees to return an absentee ballot is guilty of a felony
- 3) a person who assists an absentee voter who falsifies the statement which must be signed by such assistants is guilty of a felony and
- 4) a person who plans or organizes a meeting at which absentee ballots are to be voted is guilty of a felony.

### **Posting Absentee Voting Information**

Michigan election law, MCL 168.765(5), requires all city and township clerks to post the following absentee voting information anytime an election is conducted which involves a state or federal office:

- The clerk must post before 8:00 a.m. on Election Day: 1) the number of absent voter ballots distributed to absent voters 2) the number of absent voter ballots returned before Election Day and 3) the number of absent voter ballots delivered for processing.
- The clerk must post before 9:00 p.m. on Election Day: 1) the number of absent voter ballots returned on Election Day 2) the number of absent voter ballots returned on Election Day which were delivered for processing 3) the total number of absent voter ballots returned both before and on Election Day and 4) the total number of absent voter ballots returned both before and on Election Day which were delivered for processing.
- The clerk must post immediately after all precinct returns are complete: 1) the total number of absent voter ballots returned by voters and 2) the total number of absent voter ballots received for processing.
- A form which can be used to post the information specified above is provided in the Appendix.